

REMARKS

This Amendment responds to the Office Action mailed October 19, 2001. Prior claims 1-45 have been canceled and new claims 46-84 have been added, including independent claims 46, 55, 64, 73 and 82, respectively having dependent claims 47-54, 56-63, 65-72, 74-81 and 83-84.

In paragraph 2 of the Office Action, corrected drawings were required as the originally filed drawings were objected to due to handwritten reference numerals. Corrected drawings are filed herewith. Withdrawal of the objection to the drawings is requested.

In paragraph 3 of the Office Action, the disclosure was objected to. Appropriate corrections have been made, specifically, the typographical error at page 4 was corrected and the reference to the incorrect serial number was deleted. Withdrawal of the objection to the disclosure is requested.

Claim 46

Claim 46 recites a method of processing a complaint, comprising automatically receiving information from a complainer including information identifying the complainer, automatically providing data previously received from a complainee to the complainer, after providing the previously received data to the complainer, automatically preparing the complaint based on the information received from the complainer, automatically presenting the prepared complaint to the complainer for approval to generate an approved complaint, and automatically forwarding the approved complaint to the complainee. Claim 50 recites that the data previously received from the complainee relates to the complainee's complaint handling policy.

Basis for claim 46 is at the bottom of page 10 of the specification as originally filed, which explains that during a set-up procedure, the complainee provides information about its policies to be sent to complainers in the event of disputes.

U.S. Patent No. 5,895,450 (Sloo) teaches away from claim 46 in at least two ways. First, Sloo teaches that the complainer is anonymous (column 6, lines 43-46) to encourage complaint filing, whereas claim 46 requires an identified complainer. Second, Sloo merely collects information from a complainer and forwards it to the complainee, rather than providing data previously received from the complainee to a complainer.

Claim 55

Claim 55 recites a method of processing a complaint, comprising automatically receiving information from a complainer including information describing the complaint, information relating to an emotional state of the complainer, and information identifying the complainer, automatically preparing the complaint including emotional state information based on the information received from the complainer, automatically presenting the prepared complaint to the complainer for approval to generate an approved complaint, and automatically forwarding the approved complaint to the complainee.

Basis for claim 55 is at page 6, line 8, of the specification as originally filed, explaining that processing a complaint includes summarizing the complaint to filter emotional venting by the complainer, and at page 9, second paragraph, describing preparation of the complaint without emotionally charged adjectives.

At the bottom of page 8 of the Office Action, the Examiner recognized that Sloo does not teach including the emotional state of the complainer. The Examiner cited the Online Resolution news article as suggesting that emotions are a big part of the mediation process. The Examiner then observed that providing the emotional state of the complainer would enable the complainee to get a better understanding of the complainer and respond more effectively.

Applicant thanks the Examiner for agreeing with Applicant's insight. However, it is improper for the Examiner to use the teaching of the instant application as a lens in viewing the prior art.

Sloo teaches a system for collecting information from anonymous complainers and forwarding the information to complainees. Sloo did not consider emotional information to be important. Applicant notes that Sloo appears to be very technologically savvy, advocating use of artificial intelligence and neural networks to decide disputes, make laws and even replace government (column 9, lines 33-43; column 12, lines 47-53; column 14, lines 8-16; and column 15, lines 42-58). However, none of Sloo's uses are based on people's emotions.

Online Resolution is a company that sells the services of trained mediators to disputants. Mediators charge from \$100-\$500 per hour for their services, and often have a two hour minimum per dispute. Such mediators add value due to their training and experience, which includes emotional management during conflict resolution. Online Resolution teaches that a human mediator is valuable for abilities such as emotional management of disputants. Nothing in the Online Resolution reference suggests their stable of mediators can be replaced by a computer; rather, their value proposition is in using a computer to avoid physical travel.

Thus, the prior art, viewed at the time the instant application was filed, taught that computers could do all sorts of things without considering emotions, and that trained human mediators were needed for emotional management. There is no motivation whatsoever in the prior art for having a computer collect emotional information for use by complainees, as required by claim 55.

Additionally, claim 55 requires an identified complainer, whereas Sloo teaches an anonymous complainer.

Claim 64

Claim 64 recites a method of processing a complaint, comprising automatically receiving information from a complainer including information relating to a problem experienced by the complainer and information identifying the complainer, automatically receiving indications of at least two remedies desired by the complainer, automatically preparing the complaint based on the information and indications received from the complainer, automatically presenting the prepared complaint to the complainer for approval to generate an approved complaint, and automatically forwarding the approved complaint to the complainee.

Basis for claim 64 is at the top of page 10 of the specification as originally filed, which explains that the system suggests remedies in addition to those indicated by the complainer.

U.S. Patent No. 5,895,450 (Sloo) teaches away from claim 64 in at least two ways. First, Sloo teaches that the complainer is anonymous (column 6, lines 43-46) to encourage complaint filing, whereas claim 64 requires an identified complainer. Second, Sloo expects the complainer to specify only one course of action to resolve the complaint (column 4, lines 54-65).

Claim 73

Claim 73 recites a method of processing a complaint, comprising automatically receiving information from a complainer that is not in first person language, the received information including information relating to a problem experienced by the complainer and information identifying the complainer, automatically reformatting the received information into statements in first person language to generate a prepared complaint, automatically presenting the prepared complaint to the complainer for approval to generate an approved complaint, and automatically forwarding the approved complaint to the complainee.

Basis for claim 73 is at the top of page 9 of the specification as originally filed, which explains that the system prepares a complaint summary in first person active language.

U.S. Patent No. 5,895,450 (Sloo) teaches away from claim 46 in at least two ways. First, Sloo teaches that the complainer is anonymous (column 6, lines 43-46) to encourage complaint filing, whereas claim 46 requires an identified complainer. Second, Sloo merely collects information from a complainer and forwards it to the complainee, rather than reformatting the information into the narrative style recited in claim 73.

Claim 82

Claim 82 recites a method of processing a complaint, comprising automatically forwarding a complaint approved by the complainer to a first complainee, automatically detecting that the first complainee caused the complaint to be forwarded to a second complainee, automatically detecting that the second complainee indicated that the complaint should be forwarded to the first complainee, and automatically initiating a procedure to determine which of the first complainee and second complainee is responsible for substantively responding to the complaint.

Basis for claim 46 is at page 20 of the specification as originally filed, which explains that complainees can each insist the other is responsible for handling a complaint, leaving the complainee in a “catch 22” situation, and explaining that the system detects and breaks such deadlocks.

U.S. Patent No. 5,895,450 (Sloo) is utterly unconcerned with the situation where a complainee asserts that someone else should handle the complaint.

PATENT
BRENDA 5

Early and favorable consideration of this application is earnestly solicited. The Examiner is invited to call the undersigned should there be any questions or issues.

Respectfully submitted,

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1 their case to a judge, who issues a binding decision enforceable by the contempt power of the
2 court. These techniques are also roughly increasing in time of dispute resolution and cost of the
3 dispute resolution process.

4 The present invention is useful for assisted negotiation, and also for mediation. Because
5 of its record-keeping ability, the present invention is also helpful during arbitration.

6 When communications between parties are via the Internet, the dispute resolution process
7 naturally becomes asynchronous. This is good, as it allows the parties time to reflect and calm
8 volatile emotions. One of the key functions of a third party in dispute resolution is to filter the
9 emotional reactions of the disputants. An advantage of an automated system is that disputants
10 believe it is not swayed by emotional arguments, and so is perceived as fair.

11 Referring now to the drawings, and in particular to Fig. 1, there is illustrated a block
12 diagram of the environment of the present invention. Fig. 1 shows communication network 10,
13 typically the Internet, coupled to each of customer 20, e-marketplace 30, merchant 40, comment
14 system 50, automated alternative dispute resolution (AADR) system ⁶⁰~~70~~ and mediator 70.

15 Customer 20 and mediator 70 each employ a general-purpose personal computer having
16 web browser software such as Netscape Navigator or Internet Explorer, and each has e-mail
17 capability provided by a dedicated e-mail software package executed by their personal computer
18 or by an e-mail web site.

19 E-marketplace 30 is a general purpose computer programmed to provide a web site
20 wherein buyers and sellers are brought together, such as an auction web site, or an e-catalog for
21 particular goods.

22 Merchant 40 is a general-purpose computer programmed to send and receive electronic
23 mail (e-mail). Merchant 40 typically connects to Internet 10 through a third party Internet

1 services provider. In some cases, merchant 40 is a web site directly accessible to customer 20,
2 and also configured for e-mail exchange.

3 Comment system 50 is connected to comment-base storage 55, which is a magnetic,
4 optical or other storage device for digital information. ~~As described more fully in co-pending~~
5 ~~application serial no. 09/501,197,~~ customers and merchants each have a profile associated
6 therewith. A profile includes a user-supplied portion providing descriptive and demographic
7 information, a comment portion comprising comment records left by other profile holders about
8 the subject, and an activity portion comprising activity records automatically generated by
9 activity of the user. Each comment record has a series of parameters fields, including creation
10 date, author identification, and content descriptors, such as ratings on a scale of 1 to 5, or chosen
11 from keywords such as poor, fair, good, very good and excellent. Each comment record also has
12 a free-form textual portion. The parameters fields are easily searchable whereas the text field
13 offers an opportunity for more qualitative information.

14 The comment portion of a profile may have sections, with satisfaction of a pre-requisite
15 required to enable a party to leave a comment. For example, to leave a comment about a
16 merchant, the merchant may require that a customer have visited its web site or purchased from
17 the merchant within a predetermined period before leaving the comment. As another example, to
18 leave a comment, the author may need to be a member of a particular group such as an opera
19 lovers society. Comments left by a party meeting a pre-requisite tend to be more informative
20 than comments left by general parties.

21 AADR system 60 is a general-purpose computer programmed according to the present
22 invention. In one embodiment, AADR system 60 provides a web site describing the AADR
23 process available through AADR system 60, and providing forms for customers and merchants.